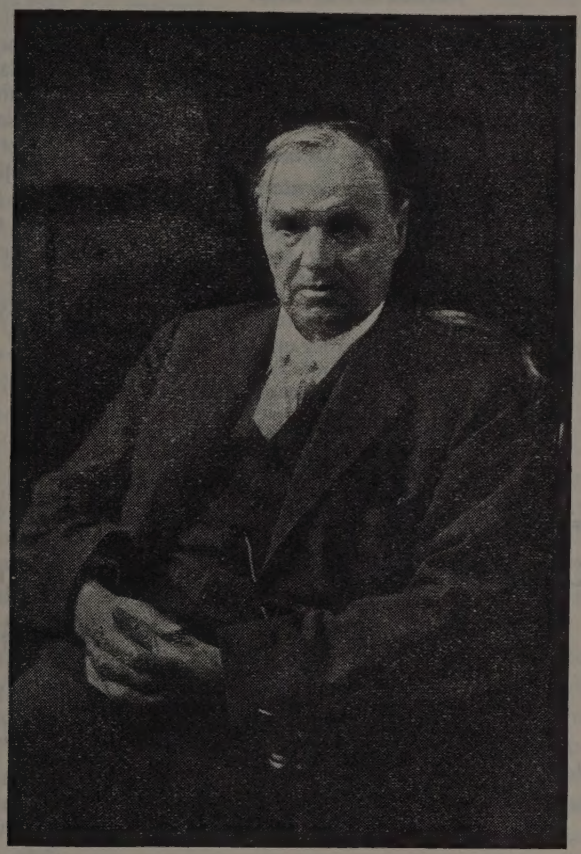
# UNITY

*FREEDOM, FELLOWSHIP AND CHARACTER IN RELIGION*

## In Memoriam



## Clarence Darrow

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## The Field

*"The world is my country, to do good is my Religion."*

### Clarence Darrow's Ashes

Scattered by hands of those nearest to his heart over the place he loved best, the ashes of Clarence Darrow have been mingled with the earth and water of Jackson Park, Chicago.

Many times a day during his last illness Darrow would go to the large bay window of his home at the top of the Midway Apartments to look toward the Museum of Science and Industry and out over the lake. When visitors came to see him, he would draw them there and say with deep feeling: "That is the prettiest view on earth!"

It is there his ashes lie. His son, Paul Darrow, and his former secretary, George L. Whitehead, carried the small metal box containing the ashes of the famed lawyer to the bridge over the Jackson Park Lagoon, looking toward the south facade of the museum, formerly the Fine Arts Building. There they were given to the sharp breeze of early Spring.

"It was at Mr. Darrow's own request," Mr. Whitehead explained. "His father had been cremated, and Darrow had many times said that he wanted his body to be burned.

"He said his ashes might be taken to his birthplace in Kinsman, O., if we wished. But because he loved Jackson Park so much and it was his favorite view, Mrs. Darrow decided we should leave them here."

On the walls of Darrow's study is framed an old newspaper photograph taken from this bridge. His eyes strayed to it constantly each day.

Under that bridge, along the calm waters of the lagoon, small boats splash all through the long Summer. Across the bridge stray picnickers and strollers, youngsters and the aged, in numberless multitudes. All these folk Darrow loved, in his broad humanitarian philosophy, seeming to prefer the less privileged as his own associates.

It is their feet which will press the dust that once encased the soul of the lawyer, philosopher, and orator. . . . —The *Chicago Herald and Examiner.*

# UNITY

*"He Hath Made of One All Nations of Men"*

Volume CXXI MONDAY, MAY 16, 1938 No. 6

### UNIVERSAL LIBERTY

**They tell me, Liberty, that in thy name**
**I may not plead for all the human race;**
**That some are born to bondage and disgrace,**
**And some to power supreme and glorious fame.**
**With my whole soul I spurn the doctrine base;**
**And, as an equal brotherhood, embrace**
**All people, and, for all, fair freedom claim.**

*—William Lloyd Garrison.*

## COLLECTIVE SECURITY DONE FOR!

We have probably heard the last of the idea of collective security. Britain has made compact with Mussolini, and thus sought peace by agreement rather than by defiance. President Roosevelt has sensibly approved the Anglo-Italian treaty, and thus put by his unwise and dangerous "quarantine" ideas. The collective security advocates, of course, were always living in a dream world. Their talk about realistic policy was all a mask for the silliest fantasy of international idealism imaginable. On the one hand, they swallowed at a single gulp the whole idea of bad nations which must be kept in check or altogether suppressed by good nations. The so-called bad nations, as a matter of fact, were only the nations which were so unfortunate as to be the victims of the Versailles Treaty. Hitler, for example, was accepted by the Germans not because they were wicked, but because they had been rendered desperate by the Allies. To quarantine a people infected by our own poison is neither to cure them nor protect us. It is only a preparation for more unjustice, more violence, and ultimate war. On the other hand, our collective security friends were obsessed by the insane notion that there are actually democracies in the world with which we can form a united front against barbarism. Domestically there are nations—America, Britain, France—which are happily more democratic than the Fascist powers. But in this collective security business we are dealing not with domestic but with foreign affairs—and in foreign affairs, where is democracy to be found? Ask the Moroccans about France; go to Uganda, Kenya, Egypt, India, and examine Britain's record; make a tour of the West Indies and Central America, and see what our own country has done! The fact is that the so-called democratic powers are, internationally speaking, only empires—satisfied empires, content with the *status quo,* as over against dissatisfied empires, hungry for an improvement in their lot. The "have nots" against the "haves"! The idea that, by lining up with Britain and France, we can gain security or serve democracy in what would inevitably be a next war is too silly for sober discussion. And now we know it, as we see the empires bargaining, just as under other conditions they might be fighting, each for its own selfish advantage. Our business is to *keep out*—and serve democracy by making it secure in this hemisphere.

## THE LA FOLLETTES AND THE PRESIDENT

There is tragedy in the new-party movement of "Phil" and "Bob" La Follette, as well as exciting promise for the future of this country. The tragedy lies in the fact that this movement marks the definite break of the progressive forces of the nation with President Roosevelt. The break of the conservative forces, of course, came long ago. In his own party, as well as in the Republican Party, the President found himself faced with opposition on the right which was at first under cover, but now is in open array against him. The President's hope was in the liberals on the left, both inside and outside the Democratic Party. For a long time there was talk of Mr. Roosevelt's leading a revolt, and himself becoming the head of a great new liberal or progressive party. That was the time when "Phil" La Follette was being mentioned for a cabinet post, and "Bob" was supporting the administration on the Supreme Court issue. There were liberals, of course, from the beginning who never believed in the President nor in his policies—there was something essentially unsound in the man and fundamentally unwise, indeed "cock-eyed," in his policies. UNITY was among the first of these liberal forces in opposition. At much cost to itself, this paper opposed the New Deal as a general program of recovery and reform—the only liberal journal in the country, secular or religious, to take this position! Then, as time went on, lib-

erals began dropping away from the President. The number has increased enormously during the past year. The intimation that the La Follettes were withdrawing support came with the refusal of the Wisconsin delegation of Progressives in the House to support the Reorganization Bill. Then come Senator La Follette's opposition to the re-armament program, then Governor La Follette's sensational radio addresses, and now the new party launched at the great meeting at Madison, on the 28th last. The platform of the new party UNITY herewith endorses, with a relief and satisfaction impossible to express adequately. At last, with no danger of confusion with reactionaries, we can support a true program of social reconstruction.

## ARMAMENTS AND EMPLOYMENT

We hear a lot of talk about armaments and big profits—the wickedness of the armament manufacturers in selling his murderous goods to any and all who will buy and in taking his gains from the hideous business of death. But there is another factor in this situation about which we hear comparatively little—namely, the relation between armaments and employment, i. e. keeping workers busy by employing their otherwise idle hands in ammunition and gun factories. Many peace-loving persons, including the workers themselves, are more than half reconciled to this business of armaments by the fact that it takes out of the relief field tens of thousands of laborers whom industry these days cannot use even in the best of times. Certainly governments are moved to great armament programs by this fact that here is a way of giving employment to idle workmen. Thus, it is no coincidence that the depression passed and prosperity returned at just the time when nations entered all at once upon the most feverish preparedness race known to history. Hitler practically solved the unemployment problem in Germany by putting all unemployed citizens either into the army or into the ammunition factories. Roosevelt, in much the same way, and without saying anything about it, made the first big dent in our unemployment problem by rushing through the biggest arming program the country has ever known. Sometime before long, when the armament jig is up through lack of funds, then we shall have another war—first, to keep men busy; and, secondly, to kill off the surplus supply of workers! Than this nothing more stupid and wicked can be imagined. Yet it seems to have a certain logic under our existing industrial system. Even so, however, it would seem as though we might find some kind of artificial employment for unemployed men other than that of making weapons of death, and then using them. If spending money to create work is the issue, why not busy the unemployed with activities that make for life. Housing, for example! Think of what would be accomplished if all the men now working on guns and bombs and ships were all set to work on homes for the people. And if this is not possible, why not—as Mr. S. O. Levinson has suggested—pay the unemployed to dig holes and fill them up again? It sounds foolish, but it's not terrible, like war!

## STALIN PURGES THE CLERGY

So Stalin has now gotten 'round to the clergy! Having killed off practically all the old Bolshevik revolutionists, liquidated the peasants with exile and famine, shot the generals of the red army, disciplined the artists and professors, he has now seized the priests on the familiar charges of conspiracy and treason, and will soon be trying them, we have no doubt, finding them all guilty on the usual confessional basis, and then disposing of them. He has followed his usual practice of striking high, on the supposition, apparently, that the more important his victims, the more impressive his power. Thus, in this case, the list of men who have conspired to overthrow the Soviet regime includes an archbishop, a bishop, six priests, six monks, two nuns, and assorted lesser lights. The indictments cover the same inordinately sensational matter as has become familiar in these purges. Thus, the archbishop is charged with planning in time of war various subversive acts, such as setting fires and provoking mass attacks on the rear of the army—also, with instructing his followers to organize secret churches in their homes and set up secret monasteries. Further accusations touch on underground activities to establish counter-revolutionary cells in various cities and towns. High leaders are shown to have carried on "Fascist seret services." Thus does suspicion grow on what it feeds on! Everybody is guilty in Russia for the obvious reason that everybody is scared to death, and all enemies one of another. If the purged only had the same power in their hands that Stalin has, we have no doubt that Stalin and all the present rulers of Russia would be under similar indictments and making similar fantastic confessions. What to believe, or not to believe, is beyond all imagining. If these men and their innumerable predecessors are guilty, or if they are innocent, the Soviet republic remains in either case a place of horror and disgust. What we see in this unhappy country is the way of violence, terror, and hatred reaping its perfect fruit of political and moral disaster.

### WHAT'S BENEATH THE LABEL?

The April issue of *Propaganda Analysis* discusses this question, with cogent illustrations. Give a dog a bad name, and he's a "cur," or a "mut," and will get a kick from everybody; but give him a good name and he will be the pet of the community. Introduce a man as Mr. John H. Smith, and no impression is made; but introduce the same man as Dr. J. Wallingford Smith, and what a stir! *Propaganda Analysis* reminds us that in 1912 Theodore Roosevelt insisted upon referring to his opponent in the presidential campaign as "Professor" Wilson. The same method is now used by anti-New Deal newspapers and speakers in referring to the so-called "brain trust." The idea is to fill the voters' minds with pictures of impractical bookish persons incompetent to handle affairs of government, and it succeeds in myriads of instances. Upton Sinclair's political career presents a highly amusing illustration of this theme. After running for office many years as a Socialist and getting only a few thousand votes, Sinclair changed his party label to Democrat and ran for governor. Without changing an iota of his political ideas and principles, which remained as radical as ever, Sinclair received this time close to a million votes and was almost elected. Capitalism is now commonly referred to as the "enterprise system"; "company" unions have suddenly become "independent" unions; a bank "receiver" is no longer a receiver but a "conservator"; the "depression" is now only a "recession"; the "undertaker" is a "mortician," and what is obviously "death" insurance is sold as "life" insurance. The international world is full of precious words. "Sanctions," for example! To impose "sanctions" upon a nation is to attack it with every political and economic weapon of coercion short of war itself. In Spain, the hard-pressed Loyalist government threatens "sanctions" against the cowards and traitors who will not fight Franco to the bitter end, which means knocking the daylights out of these unhappy wights; and announces its intention to enlist by "firm persuasion" all males not yet in the fighting ranks, which means conscription at the pistol's point. Oh, if men would only be content to say what they really mean!

### RELIGION IN THE COLLEGES

In the April 18th issue of UNITY there appeared an important article entitled "A Note on College Student Religion." A statement of an examination of the student mind on the question of religion, it revealed an appalling turning away of that mind from religion. "A large proportion of forward-looking young men and women anticipate that religion will be left behind as they push on in life." The exact picture as revealed by the test showed "one-fifth of the students satisfied that religion is an effective force in the life of our day; another fifth feels that it can be made effective; three-fifths are ready, or think they are, to give it up." The same week this article was published, the *Christian Century* (April 20th) published an article entitled "Religion Returns to the Campus." This article was as optimistic in its outlook as UNITY'S article was pessimistic. "I am ready to state unhesitatingly," writes the author, "that there is a growing concern for religion as such among students in this country." Now which of these two articles, presenting exactly opposite conclusions, is correct? A comparison of the two shows that the *Christian Century* article is impressionistic, whereas the other is scientific in character. The former, in other words, presents general ideas, whereas the latter deals with exact factual data. On the other hand, the *Christian Century* article is more comprehensive in its swift survey of the field, whereas the UNITY article confines its intensive and statistical inquiry to a single institution, the University of Wisconsin. To what extent is this institution typical of the college world at large? An answer to this question would shed much light upon the situation. Personally, we feel that the evidence submitted in the UNITY article is uncontrovertible as far as it goes. The *Christian Century* article, *per contra,* impresses us as a characteristic example of wishful thinking. Like so many so-called investigations of church membership, church attendance, etc., it seems like a desperate attempt to disprove what we know in our hearts to be true.

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# Jottings

The war in China, according to Premier Konoye in Tokyo, is proceeding "according to plan." The plans of some of these military chieftains surpass all belief. They are like Mark Twain's story of the fight in which he firmly inserted his nose between his antagonist's teeth, and pulled this antagonist down on top of him.

In one-half this globe, war has been abolished and peace established. The nations of our western hemisphere have learned to settle their differences, and thus to live together in amity and concord. Why feel discouraged because the peoples of the eastern hemisphere, in Europe and Asia, still insist upon fighting it out?

J. H. H.

# Funeral Address

WILLIAM H. HOLLY

It is a sad office I am called upon to perform today. Our friend is gone forever. Never again shall we hear his voice or clasp his hand. And for those who were closer to him than we, his wife whom he loved and who so devotedly attended him during the months of his last illness, who since their marriage has given her life to ministering to him and caring for his every want, his son, and the grandchildren and the sister who loved him, this is a time of grief which no words of ours can help.

But while this is a time of sorrow, is it not better to think for a while of the great fact that he did live, that we did hear his voice, that we did grasp his hand, that we knew his big loving heart.

It is a magnificent thing that he lived. The colored race will long remember him with grateful hearts for his heroic battles in their behalf. The man who toils with his hands, the poor and unfortunate whom society hunted down, found him ever ready to devote his extraordinary talents in their behalf. He gave up a brilliant legal career that would have made him one of the rich men of the country to espouse the cause of labor.

He loved mercy. We may not know what justice is. No judge who sentences a prisoner to the electric chair is more certain of the righteousness of his judgment than is the mob that hangs or burns its victim. Whether the offender is legally executed by the sheriff or illegally hanged by the mob, we cannot be sure whether it is justice or vengeance that has been satisfied. But mercy is a quality that we can all recognize, and in Clarence Darrow's heart was infinite pity and mercy for the poor, the oppressed, the weak and the erring—all races, all colors, all creeds—all humankind.

He was not a reformer. Man is man, stupid, cruel ignorant, and has built up a civilization so complex that he cannot cope with the problems he has created; but, after all, with glimmerings of intelligence, generosity, and kindly sympathy. Clarence Darrow made the way easier for many. He preached not doctrines, but love and pity, the only virtues that can make this world any better.

He rejoiced in Walt Whitman's plea for human brotherhood and democracy, and because of his great human sympathy and his hatred of cruelty and oppression he shared the pessimism of Housman. More than once he read to me the lines:

> Ay, look, high heaven and earth ail from the prime foundation;
> All thoughts to rive the heart are here, and all are vain;
> Horror and scorn, and hate and fear and indignation—
> Oh why did I awake? When shall I sleep again?

And now he sleeps. But before he slept he did much to save many from horror and scorn and fear. Thousands of lives were made easier and happier because he lived.

He looked out upon the earth and his heart was riven. His father before him had hated oppression. The Darrow home was a station of the underground railroad. Sympathy for the black race stirred his heart as a boy when he heard the stories of Negroes rescued from slavery. It was not a new emotion that moved him when he went to the rescue of the Negro physician in Detroit charged with crime because he had dared to face a mob bent upon the destruction of his home and the possible murder of his family.

He hated capital punishment and he dared to undertake the defense of Leopold and Loeb when all Chicago was crying for their blood. Not a defense that would have set those boys loose upon the street to commit, perhaps, other crimes, but to save Chicago from the shame of the execution of immature boys and to save their unfortunate families from the stigma of such an execution. Without fee and at his own expense, he took up the cause of Russell McWilliams, seventeen years old, whom a harsh and pitiless judge would have sent to the gallows.

Burns wrote:

> Then gently scan your brother man,
> Still gentler, sister woman;
> Though they may gang a kenning wrong,
> To step aside is human;
> One point must still be greatly dark,
> The moving why they do it.

That is a question we seldom ask, but Clarence Darrow always asked it. And many times he found the answer. We are born with passions and tendencies that we inherit from a long line of ancestors. We did not make them. We were born into the world with them. They were forced upon us. We came into a society we did not make. Every human being with whom we associate, especially when we are young children, has an influence upon us. Those childhood associates we did not choose, they were thrust upon us. Some of us were born in affluence, some in poverty. The rich do not steal or embezzle except when they begin to lose their money, then they behave just like poor people. Some ways of getting money employed by the shrewd are not crimes, they are just sharp trading. Other methods employed by greedy ones who are stupid and ignorant lead to prison. Some are born with warped minds.

Most of us want to stop crime by being cruel to criminals. Wise parents and teachers have found that they can prevent misbehavior by training and teaching and by trying to ascertain what causes the child to misbehave. Clarence Darrow tried to teach the world to handle its adult criminals in the same way, and when the world learns this lesson it will do more to lessen crime than all the jails and penitentiaries and gallows ever erected.

Clarence Darrow hated cruelty even to criminals, and he knew that its only effect was to make more criminals and the society worse that inflicted it.

Clarence Darrow was an agnostic, but he was always broad and tolerant. He was glad that others could get comfort and consolation from their religious beliefs. Among those who loved him were distinguished Protestant clergymen, Catholic priests and bishops, and Jewish rabbis. They knew the utter sincerity of the man; and though they could not agree with him, they admired his courage and honesty, and loved him for his simple human kindness. It was common for them to say that he was a better Christian than they were, and they knew no higher praise than that. He practised the great humanity taught by Jesus of Nazareth.

Intolerance he hated, and when Tennessee bigots endeavored to strangle freedom of thought, to put the minds of their children in strait jackets and exclude

the learning of science from their schools, again without fee and at his own expense he entered the fray. With bitter sarcasm he exposed the ignorance and intolerance of the bigoted legislation that had prohibited the teaching of evolution; and when the fight was over, the movement that was well under way to put similar statutes on the books of other states was halted; and probably never again will legislatures attempt to prevent scholars and men of science from teaching the truths that they in their researches have discovered.

And we cannot forget that wonderful intellect of Clarence Darrow. A great mind, of itself, may mean nothing to the world. If its possessor be selfish and greedy, it may work infinite harm. But Clarence Darrow's great abilities were given freely to the cause of human liberty, and for the succor of the weak and the unfortunte. He had wider and more varied intellectual interests than any other man I have ever known.

But now he is gone, and in the words he used at the memorial services for George Burman Foster:

> . . . The sun will fade faster, the twilight fall quicker, and the night close deeper since he is dead!

# Clarence Darrow—Friend of the Underprivileged

FRANCIS McCONNELL

It always seemed to me that both Clarance Darrow's beliefs and his practical activities depended on his sympathy for the underprivileged. Friends of Mr. Darrow used to say that his religious beliefs especially were not to be taken seriously, that they were merely peculiarities, or almost whims, of his character. After some rather close conversation with him on these matters, I do not think that his beliefs can be dismissed thus lightly.

Clarence Darrow would not accept a belief in God because he saw too much suffering in the world to make a belief in the God of Christianity rational. He resented deeply the agonies of men and would not believe in a God who would even permit them. He once talked with me about these fundamental matters, and left on my mind the impression that he was an agnostic. Those who talked with him later than I did have told me that he finally came out into avowed atheism. His atheism was of the kind that Tennyson had in mind when he spoke of that honest doubt in which there lives more faith than in half the creeds. Darrow took his atheism seriously as relieving him from accepting a God whose existence he could not accede to without holding him responsible for men's woes. The church has never taken that type of atheism seriously enough. Just because we cannot solve the problem of evil, we have refused to think about it, we have attempted to meet it with arguments below the level of intellectual respectability. Whatever Mr. Darrow's own arguments for atheism were—and they consisted chiefly in a flat refusal to accept theism—they at least sprang out of a desperate moral earnestness.

In his arguments against Christianity in its practical aspects, he was not always quite fair. If one debating with him instanced this or that worthy historical character as an exemplar of Christianity, Darrow would protest that such a character was not Christian at all, but above Christianity. He would have it that to see Christianity in this country especially one had to go to Tennessee. He had hosts of friends among professing Christians, but they were all in his eyes better than Christians.

I have never known any one more reckless of the consequences of what he might say or do in defense of the defenseless. Of course in his law practice there was a discerning shrewdness in his work with juries and witnesses. He told me of the list of questions he had prepared to ask Mr. Bryan if the Tennessee trial had gone on a day longer than it did All things considered, it is a mercy that he did not get a chance to ask the questions. They were written with the aim of revealing the weaknesses of both Mr. Bryan's position and of his temperament.

By the way, speaking of Bryan's relation to Darrow in Tennessee recalls to mind some things about the earlier relations of Darrow to the Democratic party and its leadership. Darrow supported Bryan in 1896. In 1900 the Democratic leaders asked Darrow for his support again. To keep themselves straight with their religious constituents, these leaders declared that Mr. Darrow's beliefs were really in line with theological orthodoxy, that he was not seriously a foe of religion. The next time Bryan ran for the Presidency, the leaders asked for Darrow's support again, and Darrow declined on the ground that he did not think Bryan had a sound and genuine platform. Whereupon the Democratic attitude toward Bryan changed. The Democratic leaders had a new access of theological interest, and spread around, wherever the report would do the Democrats the most good, that Darrow was a very bad man indeed, that he was steadily undermining American religion.

Darrow had not much faith in wealth as controlled, or freed from control, here in America. He had not, however, arrived at any consistent theory of social control of wealth. Perhaps nobody has. He was himself an individualist, and his strategy was attack on oppressive situations one at a time, especially if he could defend accused men who had been held for crime. He usually took the ground that the wrongdoer could not help himself, that the universe and society were so made that men could not resist what we call evil—a rather tall order to undertake. That he could win on such tactics as he did was a proof not only of his intellectual resourcefulness but of his passionate and intense feeling for a human being in distress.

Some good cheer came upon his path now and then from quite unexpected sources. Years ago a Negro in Detroit was charged with murder, and it looked as if the Negro was being railroaded to a conviction because race feeling, or insanity, was rising—due to the increase of the Negro population in certain parts of the city. Darrow undertook the case at his own expense. I met him in Chicago as he was about to start for Detroit. He told me that a strange thing had happened: he had received a check for $5,000 to help in the Negro's trial, signed by one of the richest, most reactionary, hardest-boiled men in America. I asked if the check was good. He said it was, and that it had gone through the bank without question.

Clarence Darrow may have had selfish streaks in him, but if he did I never saw them, and I should not know where to start to look for them.

# Clarence Darrow—As I Knew Him

JAMES WELDON JOHNSON

I knew Clarence Darrow as the champion of the underdog, the defenseless, and the weak; and I also had the great privilege of knowing him as a personal friend.

I first met Mr. Darrow in a New York hotel room. I was at the time secretary of the National Association for the Advancement of Colored People, and had gone with a committee from that organization to ask him to undertake the championship of a very unpopular case.

In September, 1925, we received word from the Detroit branch of the Association of an incident that was tragic for the individuals concerned and of vital significance for all the Negroes of the United States. The Negro population of Detroit had in a decade increased from some ten thousand to some seventy-five thousand or more. This had brought about an actual physical pressure in their housing conditions. Several better-off Negroes, to escape this pressure, bought homes in new neighborhoods, but were evicted from them by organized violence; in several instances the houses being practically destroyed by bombs.

Dr. Ossian Sweet, a colored physician, had bought a house in a modest white neighborhood of mechanics, clerks, and small tradesmen, but he hesitated for several months about moving in because of the assaults that had been made on the homes bought by other Negroes in white neighborhoods. Finally, he asked for police protection and with his wife moved in. With his household goods, he took in guns and a supply of ammunition. There also went in with him his two brothers and some of his men friends, making eleven in all in the house. The police guarded the house that night and the next day. Late in the afternoon a crowd began gathering, but the police took no steps to disperse it. As darkness came on, the street became jammed with people, and others were constantly arriving. Later, stones began to hit the house; the police did not interfere; a rifle cracked, and Leo Breiner, a white man in the crowd fell dead. All the inmates of the house, with the exception of the doctor's wife, were taken to jail, and finally the eleven were indicted for murder in the first degree.

We knew that the one and best man in the country to defend these people was Clarence Darrow. The issue was segregation of Negroes by mob violence, and the simple question was: Does the common axiom of Anglo-Saxon law that a man's house is his castle apply to a Negro American citizen? Mr. Darrow consented to take the case, and in a highly inflammable atmosphere entered upon one of his most famous defenses of an unpopular cause.

The trial of the eleven resulted in a disagreement. The state then elected to proceed against Henry Sweet, the doctor's younger brother, who admitted that he had fired the shot from the house. The courtroom was filled each day, and feelings for and against throbbed violently under the outwardly calm surface of the crowd. On the last day, when Mr. Darrow addressed the jury, not another person could have been squeezed in. The doors were jammed and the corridors packed.

I had the opportunity of hearing Clarence Darrow for the defense, at his best, in a famous case. He talked for nearly seven hours. I sat where I could catch every word and every expression of his face. It was a wonderful performance. Clarence Darrow, the veteran criminal lawyer, the psychologist, the philosopher, the humanist, the apostle of liberty, was bringing into play every bit of skill, drawing on all the knowledge and using every power that he possessed upon the twelve men who sat in front of him. At times the voice was as low as though he was coaxing a child. At such times, the strain upon the listeners to catch his words made them appear rigid. At other times, his words came like flashes of lighting and crashes of thunder. He closed his argument with a plea for the elimination of race prejudice, for fair play, and common justice in accordance with the law, that left no eyes dry. When he finished, I walked over to him to express my appreciation and thanks. His eyes were wet. He placed his hands on my shoulders. I tried to stammer out a few words, but broke down and wept. In an atmosphere in which the tenseness was painful, the jury brought in a verdict of "Not guilty," and a legal precedent was set which declared that a Negro American's house was his castle. The other ten were never tried. Darrow's victory in the Sweet Case marked a decisive step forward in reasserting the Negro's constitutional rights.

Through personal friendship I had the privilege of knowing the understanding, the generous, the wise, and gentle side of Clarence Darrow. It was a wonderful thing to have the opportunity of coming in touch with his great soul; and to have your own soul lit by the fires of his burning indignation against hypocrisy and wrong and oppression. He never equivocated in his beliefs. He never compromised on his principles. He always remained a source from which those who came close to him could gain strength and courage to stand up against the forces opposed to right.

My memories of Clarence Darrow are all grateful memories; a number of them are tender. A lasting impression of him is as the center of a little group at my home. He is seated under a lighted lamp, the only one in the room left lighted, reading in measured tones from his book, *Farmington*. I retain a memory of the Lincoln-like beauty of his face, the beauty of the sheer simplicity of his prose, the rising and falling melody of his voice, the little group silent, as the words falling, falling, slip through their minds and lodge in their hearts with strange stirrings. To know the man was to love him.

Clarence Darrow was one of the greatest of Americans; and as time passes the nobility of his character will stand out clearer and clearer in perspective, above misunderstanding, above bitterness, above calumny. In his long and eventful life he had triumphs and defeats, hopes and disappointments, satisfactions and also sufferings; for sufferings are the inevitable experience of the man who

elects a course outside of himself. And yet I cannot think that Clarence Darrow would have had his life other than it was.

His was a life that could be approached from many angles, so varied and rich it was. In these few paragraphs I have attempted only to throw two side lights upon the man as I knew him. An estimate of him in his larger setting would be beyond my limits here, and probably beyond me. So what I have tried to say here must be taken from the purely personal angle. I admired Clarence Darrow as a great American and a great advocate. I revered him as a wise philosopher and a broad humanist. I, and the members of my race, feel grateful for his courage and willingness to stand always as the champion of fair play and justice for the Negro. And I loved him for all his high and true qualities as a friend.

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# Clarence Darrow—Lovable Pessimist

JOHN HAYNES HOLMES

Here on my desk are three magazines—a recent copy of the *Christian Century,* leading religious weekly, the April issue of the *Crisis,* organ of the National Association for the Advancement of Colored People and the most important Negro journal in the country, and the April issue of *Opinion,* a Jewish monthly, edited by Rabbi Stephen S. Wise, of great distinction and influence. All three of these papers contain striking tributes to the life and work of Clarence Darrow.

It is difficult to think of any other American of this generation who would be so widely mourned and by such various groups of persons as the great Chicago lawyer. Rich and poor stood side by side at his bier; Christian and atheist recognized and reverenced in him qualities of manhood which strangely made them one; conservative and radical ceased their contentions in his presence and before his memory; Negro, Jew, the workingman, and all the struggling and oppressed of earth found in him a brother. Darrow was sharp of tongue, ironic in thought and speech, a pessimist and unbeliever, but he had a heart as tender as a child's which could exclude no man from its sympathy. He would have denied the truth of the famous hymn—

> There's a wideness in God's mercy,
> Like the wideness of the sea,

for the world to him seemed cruel, and God, if there is a God, a callous and indifferent ruler. But in his own soul he revealed the divine compassion. In his own life he demonstrated the reality of the religion which he denied. Hence did all men rally to him and revere him.

In his thought processes, Clarence Darrow was a curious survivor of an age which passed without his realizing it. For some reason he never kept up at all with the progress of human knowledge. In his great old age he stood exactly at the point where he had stood in his early rebellious manhood. When he discussed great problems of being and destiny, and vast issues of individual and social life, it was as though the clock had been turned back and we were returned to the days of the mid-Victorians.

Thus, in his religious thought, he moved in the realm of early nineteenth century agnosticism. Even this agnosticism was not clear, since it was mingled with a crude materialism which came from one knew not where. Darrow had learned in his young manhood, at second and third hand, that there was a Biblical criticism which was discrediting the infallibility of the Scriptures, a science which had overthrown the theological dogmas of creation, a philosophy which was casting doubts upon traditional ideas of God, the soul, and immortality. These rumors, which he seldom confirmed beyond their popularization in many forms, matched perfectly his own instinctive revolt against a traditional religion which his sound sensibility taught him was at once irrational and immoral, and out of them he built a structure of doubt or denial, which lasted him without change to the end of his days. One saw this dramatized in unforgettable fashion in the famous "monkey trial" in Dayton, Tennessee, when Bryan and Darrow engaged in their theological passage at arms. Here were two men who were hopelessly behind the times—Bryan with a belief as antiquated as the lore of the medieval schoolmen, Darrow with an unbelief as crude as the jimcracks of the old-time village atheist. Neither one knew that the world both of belief and unbelief had moved to a point so remote from their vision as not to be seen at all. And so, like two warriors battling with bows and arrows in the day of machine-guns, these two doughty champions fought their duel, Darrow coming off triumphant through a native shrewdness of intellect for which Bryan's simple faith could be no match.

The same thing was true of Clarence Darrow's political philosophy. He was reared as a young man and trained as a young lawyer in the heydey of the *laissez-faire* school of thought. This thought had its rootage in England in the early capitalistic industrialism which flourished in Manchester and other great mill towns. In this country it found fresh and fertile soil in the new agricultural frontier. Here flourished in fullest and fairest flower the characteristic individualism of the nineteenth century. On the positive side, this individualism found expression in a personal independence, self-reliance and initiative which constitute America's chief contribution to the life of modern times. On the negative side, it took the form of a distrust and even hatred of government which is the real philosophical foundation of the principle of anarchy. As Darrow was an unbeliever in the field of religion of the distinctive mid-nineteenth century type, so he was a philosophical anarchist in the field of politics of the same type. And in the one case as in the other, it was his instinct, nurtured by more or less indirect environmental influences, which led him early to fixed conclusions which never altered.

Born and reared in a small mid-western town, early acquainted with political corruption, vulgarity, and oppression, Darrow revolted from the State as he had revolted from the Church, and asked only to be let alone. But the State did not, because it could not, leave him or other men alone. With the growing complexity of human relationships, government be-

came more and more a factor in men's lives. Inevitably, with the disappearance of the frontier, individualism began steadily to move toward socialization. Our problems, whether we would have them so or not, became social problems and our methods social methods. But Darrow would not have it so, and to the end of his days fought the fate-like tendencies of the time. Many of his most passionate interests were rooted not merely in his moral idealism and his human pity, but also and quite as much in his distrust of government. He hated and denounced Prohibition because it was an invasion by the State of the liberties of the individual. He fought capital punishment because it was the State laying its bloody hand upon some poor forlorn individual whom it had earlier betrayed by neglect or oppression. He served as a lawyer always on the side of the defendant because, among other things, this was one way of resisting the encroachments of government upon the life of the single man. This was pure individualism of the extreme *laissez-faire* variety. It has its attraction in this day of dictators and totalitarian states. But it represents a type of thought and way of life which vanished long before Clarence Darrow finished his career. Democracy is here to stay, or, if overcome in some vast world upheaval, will return in due course; but democracy today and tomorrow, unlike democracy yesterday, must be a social democracy. Our freedom will be a common and not a single freedom. The individual will find and enjoy his liberty not apart from but in communion with his fellows.

Clarence Darrow was thus in certain ways a curious, if very precious, museum piece. He was an heroic, if frustrated, survivor of an age which had merged itself into a new age which he could not recognize and would not accept. It was this fact, coupled with certain qualities of inner temperament, which made him a pessimist—the most lovable pessimist who ever lived, but still a pessimist. This world was to him a mad and cruel world. There was no sense nor sanity in it. Especially was there no pity. But men needed pity, just because they were living helplessly in such a world. And this pity Darrow himself proposed to supply, since the cosmos itself was pitiless. Thereupon appeared in action such a piteous heart as mankind has seldom known. There were no limits to Darrow's compassion. It reached everywhere—touched every life. Nobody was too mean to receive his attention—nobody too wicked to be worthy of his understanding. The underdog was his especial friend, the downtrodden and oppressed his brethren, the outcast and wretched and despised his loved ones. Not since St. Francis walked this earth has the world seen such mercy clad in human flesh. Not since Jesus himself has there been such an exemplar of the gospel of "unto this last." If religion is love, as it surely is, then Clarence Darrow was one of the most religious men who ever lived, and his pessimism a purer wellspring of the spirit than all the founts of faith.

There were qualities in Darrow's heart which were deeper far than the accidents of thought and incidents of experience which conspired to clothe his life in so deceptive a garb. There were times when the sheer beauty of his life so denied the grim negations of his speech that it seemed as though the great man were playing a part in some sardonic spirit of raillery or jest. But in word as in deed, Darrow was magnificently sincere, and his life all of a piece. Central to everything else within him was a tenderness as of a woman. It was this tenderness which moved him to revolt against a hell-fire theology which taught a vindictive God who wreaked punishment upon helpless humankind, and against a corrupt politics which used the State as a weapon to humiliate, oppress and exploit its baffled citizens. To thwart and defeat this conspiracy of the strong against the weak, of the favored against the underprivileged, of the respectable and pious against the disreputable and sinful—a conspiracy begun in this world and continued into the next—this became the high mission of his days. And what a fighter he was! One sees him in the court of law or on the platform of public debate, his great head thrust forward upon his hunched shoulders, his hands thrust deep into the pockets of his baggy trousers, his quiet eyes gazing straight and true from out the shadow of his beetling brows, his calm, still voice shooting its shafts of bitter irony, devastating wit, or passionate appeal, his huge frame quivering with indignation against some potent iniquity, his stern, deeply-lined and infinitely beautiful face glowing with compassion for some lost cause or lost soul. Never was there a more dangerous antagonist—a moment's carelessness, and his swift sword was dealing a death-thrust under the guard! Never was a dearer, truer, more loving friend—in his hand-clasp was an affection which absorbed all alien interests and differing opinions! His tenderness was instant to every need; because so sensitive, it could not endure with complacency the woes of humankind. And so the great heart cried out in sheer horror and denunciation, and in the very darkness of its own pain revealed the saving light of love.

Darrow's thought and life were compounded throughout of irony. The final irony was left for the last when he who had ridiculed and rejected all religion became suddenly the pattern of the religious life. For religion tells of a Day of Judgment when men shall be brought before the throne of Christ to render account of their deeds upon the earth. Darrow must stand there among the rest, and hear the words, "I was hungry, and ye gave me meat; I was thirsty, and ye gave me drink; I was a stranger, and ye took me in; naked, and ye clothed me; I was sick, and ye visited me; I was in prison, and ye came unto me." No one of all that company will be more surprised at these words than Clarence Darrow. He will give those mighty shoulders an extra hunch, edge that quiet voice with its most quizzical drawl, and ask, "Lord, when saw I thee anhungered, and fed thee; or thirsty, and gave thee drink; when saw I thee a stranger, and took thee in; or naked, and clothed thee; or when saw I thee sick, or in prison, and came unto thee?" And will the great head drop in sweet humility, or lift in glad surprise, when there comes the immortal answer, "Inasmuch as ye did it unto the least of these, my brethren, ye did it unto me"?

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"Mr. Darrow was a friend of mine of near standing. He was always an inspiration to me, as well as a friend, and it seems incredible that he could ever leave us. However, his works will carry on."—*Warden Lewis E. Lawes, Sing Sing prison.*

# Clarence Darrow—Attorney for the Defense

ARTHUR GARFIELD HAYS

Some years ago Clarence Darrow was engaged in defending the Sweet family, charged with murder in Detroit. There were some eleven defendants, all colored people—Dr. Ossian Sweet, his wife, brother, and a number of other friends of the family. A white mob threatened to evict Dr. Sweet and his family from a newly bought house in a white neighborhood, shots were fired from the Sweet residence, and a white man was killed.

During the trial Darrow, tired after a hard day's labor in court, expressed his usual cynical view that the human being is made up of elements and substances that could be purchased for about ninety cents at a drug store, that we are all creatures of habit, that man is unhappy if there are variations from the line of habit which are unpleasant, and happy if there are variations from the line of habit which are pleasant. Said he, "What difference does it make whether or not these people go to jail for life?" I asked him if that were so why he was wearing himself out defending them. His reply was, "I dunno. I just suppose I'd be uncomfortable if I didn't."

In his summation Darrow expressed his philosophy:

> I am the last one to come here to stir up race hatred or any other hatred. I do not believe in the law of hate. I believe in the law of love and I believe you can do nothing with hatred. I would like to see a time when man loves his fellow man and forgets his color or his creed. We will never be civilized until that time comes. . . . I know that there are sufferings, sorrow, tribulation and trouble among the blacks, and perhaps the whites. I'm sorry. I would do what I could to avert it. I would advise patience, I would advise toleration, I would advise understanding. I would advise all of those things which are necessary for men who live together.

Darrow regarded his clients as victims of misfortune, and this applied to the guilty as well as to the innocent. On an occasion in New York, after we had successfully defended Greco and Carrillo, two anti-Fascists charged with murder, I remarked at a gathering of Italians that I had become interested in the case because I believed the men were innocent. Darrow's comment was, "I would have been just as glad to defend them if they weren't."

Darrow never fooled himself as to his impelling motives. Never in his life did he strike a noble attitude about anything. Often, particularly in his later years, he would avoid engaging in a case requiring arduous labor. Unable to get away from the personal discomfort where he was idle in a situation where he could help, he would eventually respond to the appeal of the unfortunate victim. This disposition shaped his career.

At the time of the American Railways strike in the early nineties, Darrow was practising civil law, retained by one of the important railroads. He had known Eugene V. Debs. Debs implored Darrow to come to his defense. Darrow tried to dodge the job. It meant giving up the comfortable berth and the prosperous future that his situation promised. But he could not get away from the inner demand that it was up to him to defend Debs. He never suggested that he was called to this by duty or because of any moral code. He just was the kind of "critter" who could not resist the urge, at whatever cost to himself, to help his friend Debs.

The issue in the famous Scopes evolution trial in Tennessee derived its interest because it was a battle between two definite types of mind—the rigid, orthodox, accepting, unyielding, narrow, conventional mind, and the broad, liberal, critical, cynical, and tolerant mind. At the beginning, Bryan was the hero of Dayton, and people looked at Darrow with foreboding. Within a few days, however, Darrow's kindliness, charm, and good humor were compared by the denizens of Dayton with Bryan's solemnity, dignity, and virtue. Messenger boys who came to our house would receive tips of quarters or half dollars; no tips came from Bryan. Darrow would eat in a public restaurant, attend public affairs, even a high school dance; Bryan ate at home, attended funerals and religious services. Darrow conversed with individuals; Bryan preached to groups. The people came to prefer the human being to the savior. They had been brought up on Bryan's ideas but they liked Darrow's behavior. Day by day Darrow proclaimed his loyalty to freedom of the human mind. In an incidental extemporaneous address Darrow ended in a burst of fire and eloquence:

> If today you can take a thing like evolution and make it a crime to teach it in the public school . . . at the next session you may ban books and newspapers. Soon you may set Catholic against Protestant and Protestant against Protestant. Ignorance and fanaticism are ever busy and need feeding. Always they are anxious and gloating for more. . . .
>
> After a while, your Honor, it is the setting of man against man and creed against creed until, with flying banners and beating drums, we are marching backward to the glorious ages of the sixteenth century when bigots lighted fagots to burn the men who dared to bring any intelligence and enlightenment and culture to the human mind.

The climax of the case was reached in Darrow's examination of Bryan. Perhaps never in the history of the world has a witness on cross-examination attempted rationally to defend beliefs not based on rational reasoning. Darrow inquired about the age of the world:

Darrow: When was that flood?

Bryan: I wouldn't attempt to fix the date. The date is fixed, as suggested this morning.

Darrow: But what do you think that the Bible itself says, don't you know how it was arrived at?

Bryan: I never made a calculation.

Darrow: A calculation from what?

Bryan: I couldn't say.

Darrow: What do you think?

Bryan: I do not think about things I do not think about.

Darrow: Do you think about things you do think about?

Bryan: Well, sometimes.

Finally Darrow brought Bryan to a position where he stated that he was sure that the world was created in six days, but not that these were twenty-four-hour days because "one day is with the Lord as a thousand years." Thus Darrow demolished the fundamentalist case. If anything is conceded to interpretation, the fundamentalist position is destroyed.

When the examination was over, the followers of Darrow rose up and swarmed to his side, anxious to seize the hand of their champion. Bryan stood apart, almost alone, a strained, tired expression on his face as he looked into the twilight that was closing all about him.

Darrow handled cases quite differently from other lawyers. At times before a case was submitted to a jury I have said to Darrow, "What part do you want me to cover in my summation?" He would answer, "Go as far as you please." I would sum up, spending perhaps an hour analyzing facts, pointing out inconsistencies in evidence and making any possible argument that occurred to me that would make an appeal to the jury. I would seat myself, reasonably well satisfied, and wonder what I had left for Darrow to say.

Darrow would arise, shrug his shoulders. His posture, his quiet demeanor, his force of personality would immediately center the attention of the expectant audience. He was not merely a lawyer discussing the case; he was a philosopher discussing life. He would refer to the strange and inexplicable behavior of human beings, moved by unpredictable forces and sudden emotions. He would make only slight reference to the particular facts of the case. He would rather show the factors that had brought the defendant to his present predicament—his heritage, his bringing up, his way of life, the vise closing him in—all those elements that control a man almost without his knowledge. Darrow would talk of man's inhumanity, the misery of the unfortunate, of the danger of sitting in judgment, of the intolerance of human beings. He not only placed the facts before the jury but presented those facts in their own setting. Soon every man on the jury was inclined to lean backwards in an effort not to do injustice.

Darrow studied philosophy, psychology, biology, history, while other lawyers studied law. Darrow never fancied himself a great student of the law; he had a contempt for technicalities but a feeling for correct legal principles that led him to avoid even technical error.

Darrow had always been a lawyer for the defense. He would never prosecute anybody for anything. He would never judge his fellow man. I paraphrase from words blazoned on the statue of Wendell C. Phillips, in Boston: "When the Muse of Time shall be asked to name the greatest of them all, she shall dip her pen into the sunlight and write across the clear blue sky" —Voltaire-Paine-Ingersoll-Darrow.

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# Clarence Darrow—Radical Humanitarian

VICTOR S. YARROS

The closer one was to Darrow, the more intimate one was with him, the harder it was to classify him, to put a tag on him. He belonged to no party, faction, or school of social thought. He often admitted that he did not know exactly where he stood politically. He had a critical mind, and was more destructive than constructive. In fact, he railed and sneered at the writers or speakers who plumed themselves on the "constructive" character of their proposals or ideas.

It has been said since his death that he was claimed by the philosophical anarchists. Occasionally, indeed, he talked like a philosophical anarchist. He had no love for the State, no faith in governments, no trust in power. He agreed with the anarchists that power corrupts those who wield it. But he was too realistic to *join* the school of philosophical anarchism; he considered it essentially Utopian and irrelevant to the pressing problems and issues of the day. He thought it silly and pedantic to urge men and women to refrain from voting on the ground that to vote is to "recognize the State" and give it moral sanction. He was too good a student of history, folklore and mores to entertain absolutist notions concerning the morality of participation in politics, or the duty of the individual to avoid evil. Morals, he contended, were simply higher manners. Social utility was the only possible basis for ethics, and it was perfectly right and proper to use the State and look upon parties, elections, and ballots as instruments of public welfare.

Darrow did not ask or expect too much of human nature. He was at bottom a pessimist. He did not see how Schopenhauer's *Weltanschauung* could be scientifically refuted. Human life was tragic; progress was an illusion; there was no such thing as unselfishness; the world was full of misery and cruelty, and, to live at all, one had to take, daily, liberal doses of "dope." Religion was dope, and so was art. If we were governed by reason, we should follow the advice of Count Tolstoy and resolve to commit race suicide by refusing to reproduce ourselves. But we are not really rational in our behavior; we obey instinctive drives and impulses, and we think up ingenious arguments to justify our conduct.

But Darrow was not passive; he never resigned himself to wrong and injustice. He "had" to fight these things. He had to obey his nature and his temperament. What he did as a man and lawyer was not, he said, "reasonable" or consistent; but it was human and it was "Darrow." He could not help springing to the defense of the underdog.

He once said to me: "I am not a *happy* man, but I cannot be unhappy and miserable, and, *to avoid pain,* I do what other men call altruistic things—accept cases without fees, give alms to persons I do not care for or deem worthy, speak out when silence or discretion would be more prudent or advantageous to me and mine."

Darrow was kindly but not sentimental. He had no sense of humor, but he could be ironic and satirical in his comments on men, events, and tendencies. He liked people—all sorts and conditions of people, but he *loved* very few. He had friends among gamblers, ex-convicts, sordid and grafting politicians, fundamentalist clergymen, hypocritical clerics, unscrupulous men of business, cynical and disreputable newspaper men. He was deceived by none of these, but he was interested in all types, and could not hate any human being. He had "Christian" charity without tolerance for what he believed to be Christian superstitions and theological absurdities. He often observed that he had not found in any writer, ancient or modern, a satisfactory definition of *justice,* and he doubted if there ever would

be such a definition, but he knew what *mercy* was and could practise it. He blamed the chief executives who failed to commute capital sentences on humane grounds and sought to excuse themselves by pleading official duty to carry out the law as it was.

Intellectually, Darrow was a pragmatist, though he never studied James, Dewey, Peirce and the other philosophers of pragmatism. He was an opportunist in the best sense of the term. He would associate himself with what he considered to be the best of existing currents and tendencies, and work for that while perceiving all its weaknesses and shortcomings. He alienated supporters and admirers by finding fault with certain labor policies and methods, or by pointing out candidly certain unattractive traits in this or that race —the Jewish, among others—but he had no malice in his heart. He could not flatter anybody. He had to be true to himself and to the facts as he saw them. He was remarkably frank in private as in public utterances.

In religion, Darrow was an atheist, and he always poked gentle fun at my agnosticism. In ethics, he was a Benthamite Hedonist; in politics, he was an independent radical with democratic leanings. He admired Woodrow Wilson, and in campaigning for Cox, he hardly ever mentioned the latter's name. He had to be reminded that Cox, not Wilson, was the Democratic candidate for president. He was not a pacifist, and not even his abhorrence of bloodshed and wholesale murder softened his determined—and strange—opposition to the League of Nations and the World Court. These institutions, he insisted, were certain to do more harm than good; they would strengthen imperialistic and capitalistic governments and enable them to suppress dissent and freedom *at home*. War, he said in a debate with the writer at the Chicago City Club, was by no means the worst of possible calamities; war was preferable to intellectual slavery and the rebarbarization of society by the egomaniacs and psychopathic sadists of the Hitler-Mussolini type.

Those who knew Darrow well and discussed with him the deeper problems of humanity and nature will not pretend that he was always consistent or sound. His was an exceedingly complex personality. He not infrequently suggested Lincoln in his reactions and attitudes. He was whimsical, paradoxical, clean-minded, tender-hearted, curious, and hungry for knowledge. On his desk you invariably found half a dozen recent volumes on the social sciences. He never felt that he knew enough on any subject, and never finished his education. He led a simple life, and his pleasures were simple. He was fond of travel, and everywhere he looked up the men he had learned to respect or admire from books—poets, novelists, radical leaders, first-rate thinkers. He never tried to shine in conversation, but even total strangers soon felt his charm and the ripe richness of his humanity. Juries felt these same qualities and gave him the verdicts he asked of them, despite the letter of the law and the solemnities and pomposities of prosecutors. He was at once proud and humble—he knew his gifts and powers, but he also was aware of his limitations.

Not many Darrows are thrown up in a lifetime.

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# Clarence Darrow—The Man and the Philosopher

**HARRY ELMER BARNES**

The death of Clarence Darrow brings to an end one of the most colorful and commendable careers in the whole of American biography. As interesting as his career, and largely explanatory of the latter, was his personality.

Many who were familiar only with his more sensational wisecracks thought that he must be a harsh and cynical person. He was, in reality, an amazingly kindly and affectionate personality. His crust of cynicism was partly born of his disillusionment with many of the traditional hypocrisies and banalities of mankind and was partly an overcompensation for his innate tenderness.

Better than anything else that he ever wrote or said, the autobiography of his youth, *Farmington*, reveals the true Darrow personality. Had he been able to write of his later career with the same frankness and informality, the book would have been one of the great biographies of all time.

Darrow distinguished himself in many lines of endeavor, but the permanent estimate of his career will probably lay most value upon the fact that he was the outstanding libertarian in American history since the days of Thomas Jefferson.

It would seem that his antipathy to authority and tyranny grew primarily out of his childhood impressions with respect to the arrogance, harshness, and intolerance of conventional religion and traditional morality. His youthful rebellion against all of this was amplified by his more mature experiences and studies.

His father before him had gone through a similar experience and doubtless encouraged the boy's reactions. At least, there was no rebellion against the father and the parental image that is so frequently caused by a libertarian philosophy.

Darrow's liberalism and revolt extended to all fields: religion, sex conventions, liquor consumption, civil liberties, and the like. He was one of the few progressives whose liberalism was not limited or restricted by some notorious blind spot. He might have been wrong in certain matters, but his errors were never caused by respect for conventionalities.

Darrow's social philosophy was in accord with his basic mental attitudes. He was a thorough-going liberal. His liberalism first expressed itself in enthusiasm for free trade, where he was mainly affected by the writings of Frederic Bastiat in English translation. Then he became interested in the Single Tax philosophy, and for some years Henry George's *Progress and Poverty* was his social Bible.

His natural sympathy for the underdog was awakened to lively action as the result of the persecution of Eugene Debs by the railroad barons and other reactionaries of Chicago. It was then that he left a lucrative corporation law practice and threw himself

into a life-long struggle for the oppressed and persecuted.

Darrow was a liberal humanitarian rather than a social radical. He never accepted the Marxian philosophy, nor had any enthusiasm for dictatorial totalitarianism. But he admired many of the accomplishments of Soviet Russia, particularly the achievement of sex freedom, the humane treatment of criminals, and the provision of economic security for the masses.

Mr. Darrow never had much enthusiasm for President Roosevelt and the New Deal. He was long an admirer of Al Smith and wanted him to be President. His economic and progressive liberalism was manifested chiefly in the form of the trust-busting philosophy of the nineties, and he believed that the N.R.A. and other Roosevelt policies were designed to forward the interests of big business.

Darrow's public reputation was made chiefly as a criminal lawyer. But he was in no sense the usual type of clever and crafty strategist, who takes on all cases for the sake of personal prestige or material gain. He was as crafty as the best of them, but his adroitness was always designed to advance his major end, namely, the protection of the downtrodden.

He followed logically his philosophy of determinism, and believed, in the case of every criminal, that "there but for the grace of God go I." Only, he would have substituted for the grace of God the accidents of life. This philosophy determined his courtroom technique as well. As he used to tell us, he proceeded on the theory that no man will hang himself, and endeavored to get the jurymen to understand that they only escaped being in the place of the defendant through a lucky fate.

Darrow took considerable interest in scientific matters, particularly in biology and evolution. Here, he was, indeed, something of a playboy. But he knew more than his speeches and writings indicated. Many of his loose and extreme statements were made for the sake of effect. But in one case at least he was thoroughly wrong-headed and misinformed, particularly in his attitude toward the feeble-minded and eugenics. But in his later life, he was frank enough to admit his mistakes.

Darrow's death marks the passage of one of the last great figures in the American liberal tradition. More and more, our leading figures are lining up with either the reactionary philosophy of the Liberty League and the Economic Royalists or with the radicalism which seeks relief through the medium of state activities.

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# Editorial Tributes

### A Colorful Rebel

With the death of Clarence Darrow the nation loses the most colorful of the older generation of rebels. "I am a pessimist with hope" is the way Darrow once described himself, and he had the gift of making both premises persuasive. His view of human nature was Swiftian: while he professed himself an agnostic, there was an element of almost religious laceration in the low opinion he held of human qualities. But this fatalism about man did not prevent him from fighting for men. He was Governor Altgeld's partner and his supporter during the Haymarket affair; he was counsel for Gene Debs in the railway-strike case, for Big Bill Haywood and his companions in the Staunenberg case, for the McNamara brothers in the ill-fated dynamite case. When he faced William Jennings Bryan at Dayton, Tennessee, in the evolution trial, he made Darwin and Huxley live in the minds of ordinary men and women; his report on the fate of the small business man under the NRA cleared the air of much of the current cant. The record of his life is woven into the record of the labor and progressive struggles of one of the bleakest periods in American history. But his permanent mark will probably remain in the annals of the law—not in the dusty records but in the body of memory, half-myth and half-truth, to which the common man clings. He will go down as the man who could work miracles for the defense in murder trials. With his intuitive grasp of human emotions and his passionate disbelief in capital punishment, he did more than anyone else to popularize the basic social fact that it is the environment that fashions criminals. His achievement was to bring a measure of humanity into the law.

*—The Nation.*

### Clarence Darrow—Humanitarian

Many a Christian man's death has occasioned less heartfelt regret than followed the passing of Clarence Darrow, agnostic and humanitarian. His theology—or perhaps it should be called his atheology—was, from our point of view, very bad. He seemed to be opposing conceptions that are no longer current among competent Christian thinkers and to be fighting over the battles of half a century ago. His anthropology, considered as a view of man's place in the cosmos, was no better. He did not think much of the human race. But he had a profound concern for men. Perhaps he would have repelled as sentimentalism the imputation that he loved men. But he pitied them, and pitied most the ones most in need of a redress of bitter grievances. He wanted them to have liberty to think and work and live out their little lives in such joy as is possible for men. Cruelty and oppression were therefore hateful to him. As a great criminal lawyer, he knew as much as anyone of the ugly side of human conduct but since that included the ugly side of society's conduct in the ways in which it produces criminals and then avenges itself upon them, and the ruthlessness and sometimes the unintelligence with which the mills of justice grind their grist, his heart was with the accused rather than the accuser. It was no accident that he never became a prosecuting attorney. His clash with Mr. Bryan in the evolution case at Dayton, Tennessee, increased the fame of both but did no good to either. It killed Bryan, and it confirmed Darrow in his identification of religion with the opinions inherited from the pre-scientific age. Age mellowed him without changing his mind. It can be said of him now, as it could scarcely have been said without offense when he was alive, that he was a lover of men.

*—The Christian Century.*

# Clarence Darrow as a Friend

CLARENCE TRUE WILSON

On Sunday, March 13, 1938, there passed off the stage of action one of the most brilliant, witty, sincere and true men, the greatest criminal lawyer of our age and the most colorful personality we have had since Theodore Roosevelt and William Jennings Bryan passed on. My close association for the last ten years has taught me to respect him, admire his personality, and enjoy his companionship. The world seems lonesome without him. I had forty-six joint debates on the prohibition question in as many cities and in thirty states. I have had three or four religious debates and one on capital punishment. Colliers sent us as opponents, together to Canada, to write up from our different viewpoints impressions of the liquor situation there. While I differed from him on many points, I came to admire him and to love him.

It was not always so. If there was any man I reprobated in American life, it was Clarence Darrow. He had defended most of the men I "knew" ought to be executed. When the Ohio "drys" wired me to come and debate prohibition with Clarence Darrow, I eagerly accepted, glad to get at him. In a conversation, I learned that he was bitterly opposed to capital punishment, believed that the State had no more right to take a human life than he had. He therefore could consistently try to save the life of any man who asked him to defend him; so one prejudice was done.

His ideas of the government were less strict than mine; he therefore never prosecuted anyone in his life. Always defending, he was naturally against restrictive laws, and for liberty, bridled or unbridled. He was therefore against local option, prohibition, and any restrictive measures on the liquor traffic. Not agreeing with him, I agreed that he was sincere. In five years of those joint debates, I learned that he was fair, unselfish, not opinionated; if you convinced him of a given point, he acknowledged it graciously.

I was invited out to dinner with him innumerable times. He never made his habits embarrass me in any way. When he drank wine, he preferred to do it privately, but he was abstemious both in eating and drinking. I constantly enjoyed his witticisms and his humorous conversations. When we were debating in Portland, my home city, my wife's family and mine came down to see us off. I thought I would like to introduce Mr. Darrow to them after the debate of that night. I presented the folks and their children. He looked up in a quizzical way and said, "I knew you packed the house on me tonight." When Mr. Darrow made the first address, he indulged in so much humor that he got the audience hilarious and then hysterical. At the close of his funny speech, making prohibition the butt of ridicule—and the prohibitionists also—I remarked: "We have a tacit agreement that Mr. Darrow will furnish all the fun and repartee, and get the laughter and applause, while he depends upon me to furnish all the facts and the arguments, and take the votes." After I had done my best to make good, Darrow responded, "The doctor has told you that I am to furnish the fun and he the facts and arguments; well, ladies and gentlemen, I have done my best to make good on that, why in thunder doesn't he do his part?" This was so much enjoyed by the audience that I put this in again and again so [illegible] to give him a chance to come back at me with this fine joke, too good to be missed. When we traveled across the continent and visited eleven cities, our wives accompanied us, so that the four of us traveled together. I do not think any four people ever enjoyed themselves more, or were more agreeable. Once we were sitting opposite in the pullman and Mrs. Darrow innocently remarked, "Dr. Wilson, you have blue eyes, haven't you? I never noticed it before until you were sitting in that light." I was slowly thinking of what to say, (I had never had to account for my eyes before), when Darrow, quick-witted as usual, responded, "Mrs. Wilson, I have been traveling around with you and your husband for two weeks, and you have never said a word about my eyes yet."

I could fill chapters with these kinds of humorous remarks, that showed how he could oil the machinery of a court room, and of government as well. Many people think he did it by sledgehammering, but they are mistaken. He did it by geniality, humor, and unanswerable arguments, so that the judge, the jury, the courtroom and the witnesses fell in love with him, as I did debating with him. His creed and mine differed. He was an agnostic, while I was a believer, but I have never known any human being with whom I loved to discuss religion as I did with him. He was so frank, so open-minded, so eager to know the Christian viewpoint, and had so many Christian characteristics in his make-up that it did not matter so much about his creed.

Some years ago he was going to Europe to spend two or three months at one of the greatest resorts for health and pleasure on that continent. He confided to me that he was going to write a book on Christianity as he saw it. I said, "Well, Mr. Darrow, I think I know what you're going to do, and I'll say to you, make it strong. We deserve, we Christians, every word you'll give us of criticism. You'll not do justice to the job even at your best. I suppose we will be conscious of our shortcomings and pick up your book, and say we deserve every word of it, but when you have got your strongest chapter and reached your climax, don't stop there, but take Jesus of Nazareth, the Son of Man, and tell us the truth about him. That he wasn't a hypocrite, he wasn't selfish, he wasn't a coward, he was not two-faced, he was not inconsistent, he didn't profess one thing and miss the mark about every time. When you have given us Christians a good drubbing, give the Savior of the World His just dues as a compensation." "Well," he said, "I'll take your advice on that, and put my last chapter on Jesus." I did not see him for six months. I asked him how he got along with his book. He said, "D—— you, you spoiled my book. I have never written a word of it."

We visited in each other's homes. One time he was having a delightful feast at his table. Looking at my watch and seeing that 7:45 had arrived, I said in a startled way, "I have an engagement tonight to preach for the Holiness people, down at the Chicago Evangelistic Training School, and I must go at once." He said, "What do you mean by holiness?" I replied, "Well,

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# Correspondence

### Clarence Darrow and Agnosticism

Editor of UNITY:

With appreciation of your discerning editorial tribute to the late Clarence Darrow, in the April 4th issue of UNITY, I wondered whether the following incident, illustrating the sincerity of that rugged defender of unpopular persons and causes, might seem worth contributing to the record.

At the end of the summer of 1895, my father and I, returning from Europe, enjoyed some interesting table-talk with Mr. Darrow and Mr. Chauncey M. Depew, who were among our fellow-voyagers crossing the Atlantic.

One day Mr. Depew told us of a visit he made during that summer, to the Shrine of Lourdes, in southern France, when he found the entire community wrought to a high pitch of excited gladness over a healing in the sacred Grotto. He was informed by another visitor at Lourdes, a friend of his from Boston, that a young woman, who that very morning had been suffering from many ulcers encircling one of her knees, had received an instantaneous cure. This friend had seen the girl both before and after the healing, and declared it to be nothing short of a miracle.

Mr. Depew said he at once became so interested that he sought out the young woman, who was resting nearby in her mother's care. "I myself saw the knee," he declared, "and counted eighteen brownish circlets on the perfectly healthy and smooth skin, where she and her mother told me there had that morning been suppurating ulcers. I then visited her physician, who fully confirmed every detail of the healing, and declared himself amazed beyond measure. He also showed me the actual bandage which his patient had been wearing until the cure, retaining unmistakable tokens on its inner folds, of the limb's former diseased condition."

Mr. Depew added that after he, as a lawyer, had thus assembled all the evidence he could secure, he could see no explanation of this healing on any ordinary grounds whatsoever. "I believe the miracles of the New Testament," he continued, "but until now I thought none like them had been wrought after that time."

At this point Mr. Darrow, who had been listening in silence to the narrative, made as his only comment, in a somewhat gruff and scornful voice, "I don't believe in any miracles at all!" The writer, who happened to have been newly ordained to the Episcopal ministry that same Spring, recalled with youthful zeal his study of agnosticism in the theological seminary, and asked Mr. Darrow in private, after the table conversation had broken up, if it were true that he called himself an agnostic. He answered that he supposed that that would about describe his mental attitude. I then asked him whether the true agnostic, when he feels the evidence insufficient to justify belief in something not seen, does not simply suspend judgment, neither affirming nor denying dogmatically:—"*Agnosco;* I do not know."

Mr. Darrow offered no rebuttal, but when reporting this conversation to my father, later in the day, remarked, "I thought I was an agnostic, but now I'm d——d if I know *what* I am!" It was this spirit of sincerity, running all through Mr. Darrow's character, which among his other sterling qualities endeared him to those who knew him. And since loyalty to truth as one sees it, regardless of consequences, together with sympathy for those in trouble, are vital elements of religion, I for one am convinced that Clarence Darrow was "not far from the Kingdom."

ELIOT WHITE.

*Roselle, New Jersey.*

### Clarence Darrow as a Friend

(*Continued from page* 95)

the word holiness is a contraction of the word wholeness. These people believe that the great fault of us Christians is not that we fail to hit the mark, but that we do not even put our standards high enough. They insist that we must love the Lord, our God, with all our heart, soul, mind, and strength, and our neighbors as ourselves; in other words, that we shall make a whole-hearted consecration of all we have and are to the service of Christ." "Well," said Mr. Darrow, "If I were a Christian at all, that is the kind of a Christian I should want to be." Quite a tribute from one of the brainiest men in our country to the radical type of Christian leaders who go the whole limit of service and sacrifice, surrender and devotion to their religious ideals.

He told me about seeing John Brown, having him place his hand on his head as a little boy and saying, "Clarence, always be good and kind to the colored person. He has so few friends that he can't afford to lose two, you and me," and he always was devoted to the colored man's struggle to get on in the world. When Dr. Sweet, in Detroit, killed a white man who was in the mob trying to smash up his home, Darrow volunteered his services and defended him against an avalanche of prejudice, and cleared him. Sometimes, when men do things for others, they are surprised by the world's ingratitude. It makes them almost regret their services, but it was an exception to this rule to watch the Negro porters, the Negro waiters, and any other Negroes, who saw Mr. Darrow. They reverenced him, and showed it by their eager faces, the greatest gratitude I have ever seen displayed toward a benefactor. If kindness, brotherly love, sympathy for the downtrodden, taking up for the underdog, bearing one another's burdens are Christian traits, Mr. Darrow had the Christian ethics without the Christian's creed.

### Messages to Mrs. Darrow

"His death lost to the American bar one of the first of great lawyers and one of the greatest of jury advocates. It removes from humanity one of the disciples of justice and charity. His passing is a loss to all that makes greatness and goodness in citizenship."—*Senator James Hamilton Lewis, Washington, D. C.*

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"You have our deepest sympathy in the passing of our dear, dear Clarence. We loved him so much."—*Judge Ben B. Lindsey, Los Angeles.*

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"Like many others, I watched the whole life and work of Clarence Darrow. He was more than a great lawyer. He was a champion of labor and the underprivileged. He will always be remembered by them as the highest type of counsellor. My heartiest condolences to you on the passing of this great American."—*Tom Mooney, San Francisco.*

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"Need I tell you that all my heart beats with your own in sorrow? One of my greatest and deepest admirations has gone from the world."—*George Jean Nathan, New York City.*

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"My sympathy to the family and all the world for the passing of one of the great spirits of our time."—*Governor Frank Murphy, Lansing, Mich.*

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"Be brave and at peace. You may be sure he is in paradise, or no one else is there. For God has always loved his integrity and his great heart."—*Dudley Field Malone, New York City.*

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"We all know that Clarence fought the good fight for mercy, charity and a better understanding between human beings."—*Donald Richberg, Washington, D. C.*